



**APPENDIX**

**Application No. 09/09/803,191**

**Response**

**Reply to Office Action of September 4, 2003**

**Inventor(s) Name: Ian Alastair Kirk et al.**

**Attorney Docket No.: 717901.3**



**IN THE UNITED STATES PATENT AND TRADE MARK OFFICE**

In re Application of :

Kirk et al. :

Serial No. 09/803,191 :

Filed: 03/09/2001 :

For: ADI Centralizer :

Examiner: DANG, HOANG C

Art Unit : 3672

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**Declaration**

I, Ian Kirk of 131 North Deeside Road, Milltimber, Aberdeen, AB13 0JF to hereby declare as follows:

1. I am a Director and shareholder of Downhole Products plc (the Assignee of the present Application) and I have held this position for 10 years.
2. I have worked in the area of drilling centralizers for 12 years.
3. I am qualified as Senior Design Engineer and I have a Higher National Diploma (HND) in Mechanical Engineering.
4. I am a co-inventor of United States Patent Application Number 09/803191.
5. I first had the idea to manufacture a centralizer from austempered ductile iron (ADI) in 1994.
6. I then worked in collaboration with 'The Taylor Group' in 1994.
7. 'The Taylor Group' are specialists in Ductile & Austenitic Iron castings and have worked in such an industry for 55 years.

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8. After 8 months 'The Taylor Group' indicated that they considered it impossible to make an ADI centralizer and my collaboration with them ceased.
9. I then worked in collaboration with 'The Castings Development Centre' in 1997.
10. 'The Castings Development Centre' (formerly BCIRA) are specialists in providing R&D and a wide range of impartial technical services for casting producers and users worldwide and have worked in such an industry for 44 years.
11. After 18 months 'The Castings Development Centre' indicated that they considered it impossible to make an acceptable ADI centralizer and my collaboration with them ceased. Attached hereto as an example of problems faced, is Appendix A, a facsimile letter from The Castings Development Centre to Downhole Products PLC detailing one of the problems encountered in manufacturing a centralizer from ADI.
12. I then started working in collaboration with Lucy Castings in 1999. They have 240 years experience in Iron castings & 40 years in Ductile Iron Castings.
13. After numerous attempts over 12 months, we managed to overcome the technical difficulties in manufacturing centralizers from ADI. A successful method of making a centralizer from ADI is disclosed in the present application.
14. The ADI centralizer has, to date, been sold in Colombia, Denmark, Egypt, Germany, India, Italy, Norway, Nigeria, Qatar, UAE, Venezuela and Vietnam with the potential demand in the United States of America for differing sizes being substantial enough to justify local manufacture and a US based subsidiary Company.
15. As of 31<sup>st</sup> January 2004 sales of the ADI centralizer have totalled over 3000 units.
16. On June 10<sup>th</sup> 2003 we, Downhole Products plc commissioned Rochester Metal Products Corp. 616 Indiana Ave. Rochester. IN. to produce the ADI centralizer in the United States of America.



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17. The commercial success of the ADI centralizer has contributed to our decision to set up a Downhole Products USA – a US company registered in Delaware under authentication No.2221532 – to meet the potential demand in North America.

18. I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

  
\_\_\_\_\_  
Ian Kirk

3<sup>rd</sup> February 2004  
Date

  
\_\_\_\_\_  
Witness

3 FEB 2004  
Date

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